

Department of Planning & Community Development



TO: Franklin County Planning Commission

FROM: Terrance L. Harrington, AICP
Senior Planner

DATE: December 1, 2016

RE: Section 15.2-2232 of the Code of Virginia; Public Facility Compliance Review
Verizon Communication Tower; 6606 Ferrum Mountain Road.

Section 15.2-2232 of the Code of Virginia states that whenever a jurisdiction adopts a comprehensive plan, the plan controls the general or approximate location, character and extent of each public feature shown on the plan. Unless a public feature such as “...., a park or other public area, public building or public structure, public utility facility or public service corporation facility is shown on the adopted plan...”, it shall not be constructed, established or authorized, unless and until the general location, character, and extent thereof has been submitted to and approved by the Planning Commission which shall communicate its findings to the governing body.

The Verizon communication tower proposed for 6606 Ferrum Mountain Road falls under this requirement. Since the proposed tower location, and specific character are not addressed in the adopted Comprehensive Plan, the Commission has an obligation to review the tower proposal to determine if the tower’s location and character are consistent with the plans overall goals, objectives and policies.¹

The Future Land Use Chapter of the plan contains policies for tower sites and communication facilities. The staff has evaluated these policies against the Verizon tower proposal submitted for review. Policies in the plan are as follows:

¹ This request is for a location that is unzoned. If the property was zoned, a Special Use Permit would also be required to authorize the tower. A request for this tower was initially submitted to the County for a 2232 Review in 2013, but was withdrawn by the applicant prior to consideration or findings by the Planning Commission.

TOWER SITES AND COMMUNICATION FACILITIES

Modern tower sites and communication facilities and the service they provide are necessary infrastructure, similar to electricity, natural gas, and telephone and cable service. Telecommunication services are important for a favorable business environment for new economic growth and for the quality of life of County residents. Like other industrial uses, telecommunication towers must be located with consideration of the impact on surrounding properties and the qualities of the rural landscape.

The County will protect its citizens from an uncontrolled proliferation of facilities and will carefully evaluate proposals to minimize the visual impact for those residents in the immediate area and for those in the larger community who view the facility from a distance. The policies below identify performance standards and policies to be applied to new telecommunications sites as they are proposed.

POLICIES FOR TOWER SITES AND COMMUNICATION FACILITIES

1. **Service to Remote Users: The County will encourage new facilities that fill existing significant gaps in the ability of remote users to access the local and national communication network.**

The submitted application states that Verizon has little to no coverage in the subject area. The proposed tower will provide in-car and in-building coverage to this area of the county.

2. ***Strengthening the EMS Network: The County will encourage developers of new facilities to provide opportunities to improve the service of the County's Emergency Service Network.***

The submitted application states that Verizon has a policy to allow emergency service agencies to co-locate on Verizon towers at no charge for the purpose of emergency communications. Co-locations are contingent on factors such as the structural capacity of the tower and space available for required ground equipment.

3. ***Co-location: The County will encourage each new applicant to cooperate with prospective users who request rights to co-locate transmission and reception hardware.***

The submitted application states that Verizon has a co-location policy that they will cooperate with prospective co-location users who request rights to co-locate on Verizon towers.

4. ***Strategic Planning: Each applicant must show that the proposal contributes to the existing inventory of facilities and service levels and that other facilities, structures or alternatives are not available to provide the service under consideration. Current plans for service in and around the County and region must be demonstrated to the County's satisfaction.***

The submitted application contains a map of all wireless facilities within Franklin County and information that there are no other towers or co-location opportunities within the needed coverage area.

5. **Evaluation of Visibility: Each new applicant will include sufficient information to enable the County to measure the visibility of the facility.**

Verizon undertook a visibility "balloon test" as a part of their 2013 application that was withdrawn. Photos of this test from various locations are included as a part of the submitted application.

6. ***Mitigation of Impacts: Objectionable aspects of individual facilities should be addressed through a combination of realistic performance standards, buffering, setbacks, consideration of less intrusive***

alternative locations and mitigation strategies such as camouflage, concealment, disguise, and/or the placement of towers with less height.

The submitted application states that mitigation measures include the use of a less visible monopole as opposed to a more visible lattice tower; a tower location that is 900 feet from a public road and 200 feet from the closest adjacent property line; and a location in a wooded area that screens the ground mounted equipment.

- 7. Lighting: New facilities shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to surrounding views.***

The submitted application states that the tower is less than 200 feet in height, and more than 5 miles from an airport, thus FAA required lighting should not be required.

- 8. Abandoned Towers: The County will request applicants to notify the County at such time that the tower becomes inoperable or that its intended purpose is no longer needed. The County will have the right to require that the tower owners remove the tower, if it is not used for a period of six (6) months. The County may require a bond for the removal of said tower.***

The submitted application recognizes the county's policy that a bond can be required to guarantee the removal of any tower abandoned for a period of six months or longer.

- 9. Safety Certification: The applicant must demonstrate that any proposed facility shall not create a safety, health or other hazard, and that regular monitoring as well as, current and overall maintenance is assured, listing all responsible parties. After construction of any facility that becomes unsafe shall be immediately repaired. If the unsafe situation is not corrected in a timely manner, the County shall act appropriately to cause the facility to be removed.***

The submitted application included a structural analysis of the proposed tower design.

After review of the application and the Comprehensive Plan, the staff is of the opinion that the proposed Verizon Communication tower as described in the application dated October 18, 2016 and to be located at 6606 Ferrum Mountain Road is in accordance with the tower siting policies in the 2025 Comprehensive Plan adopted by the Board of Supervisors in May of 2007.

We recommend that the Planning Commission make a finding that the proposed tower and associated ground level equipment are in substantial accordance with the 2025 Comprehensive Plan adopted by the Board of Supervisors in May of 2007, provided the following conditions and design guidelines are met:

1. The proposed tower will be of a monopole design, will not exceed 195 feet in height, and will be located as described in the submitted application.
2. The tower will be structurally designed to accommodate up to three wireless providers and associated ground based equipment.
3. The construction and improvement of the proposed access road to the tower site will be as shown on the submitted concept plan and will minimize the removal of tree cover.

4. The tower shall not be lighted unless required by the Federal Aviation Administration. Any ground based security lighting shall comply with Franklin County lighting standards contained in the zoning ordinance.
5. Verizon Wireless and any future owners or operators of the tower shall allow Franklin County emergency service agencies, to co-locate at no charge on the tower and within the enclosed leased area for ground equipment.
6. Verizon Wireless shall post with Franklin County, a bond guaranteeing the removal of the tower and all associated equipment from the site if the use of the tower is abandoned for a period of six months or more. The bond shall be in an amount agreeable to Franklin County and Verizon and shall be posted prior to the issuance of a building permit.

SUGGESTED MOTIONS

The following suggested motions are sample motions that may be used.

(APPROVE) Pursuant to the requirements of Section 15.2 -2232 of the Code of Virginia I find, with the inclusion of the six conditions recommended by the staff, that the proposal (1) is consistent with adopted comprehensive plan policies pertaining to the siting of communication towers, (2) will not be of substantial detriment to adjacent or surrounding properties, (3) is in character with the projected future land use of the community, and (4) that such use will be in harmony with the purpose and intent of the comprehensive plan and with the community's public health, safety and general welfare.

OR

(DENY) I find that the proposal for a communications tower at 6606 Ferrum Mountain Road is inconsistent with adopted policies contained in the Franklin County comprehensive plan and that the proposal will not aid in the creation of a convenient, attractive, or harmonious community. Therefore I move to recommend denial of the request for a determination of conformance with Franklin County comprehensive plan.

OR

(DELAY ACTION) I find that the required information for the submitted petition is incomplete. Therefore I move to delay action until additional necessary materials are submitted to the Planning Commission.